

REMARKS

Claims 1, 2, 7-10, 16-25, 45, 47, 49, and 53-61 are currently being amended.

Claim 62 is being added.

Support for amended claims 1, 2, 7-10, 16-25, 45, 47, 49, and 53-61 and new claim 62 may be found in the claims and specification as originally filed.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-25, 45, 47, 49-51, and 53-62 are now pending in this application.

Examiner Interview

Applicants thank the Examiner for participating in a telephone interview with Applicants' representative M. Scott McBride on November 12, 2003 to clarify the rejections in the outstanding Office Action, including the rejections under 35 U.S.C. 112, first and second paragraph, and the provisional rejection under the doctrine of obviousness-type double patenting. Applicants believe that the foregoing amendment and the following remarks address the rejections as stated in the Office Action and as clarified by the Examiner during the telephone interview. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Rejections – 35 U.S.C. § 112, first paragraph

In the Office Action, the Examiner rejected claims 18, 53-56, 58 and 60 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because "[t]he specification, as originally filed, fails to provide express support for the newly added subject matter of the above-rejected claims." Applicants have amended claim 18 to remove the words "or tetrakis(hydroxymethyl)phosphine."

Applicants believe that claims 53-56, 58, and 60 are supported by the specification as filed. Applicants note that at paragraph [0024] of the instant application, the U.S. patent application entitled "Two Dimensional Polyamides Prepared from Unsaturated Carboxylic Acids and Amines," filed October 27, 2000 by William F. McDonald *et al.* and owned by the assignee of the present application is incorporated by reference. The referenced application (U.S. Ser. No. 09/698,619) issued on Dec. 17, 2002 as U.S. Pat. No. 6,495,657 (*i.e.*, the '657 Patent). The subject matter of rejected claims 53-56, 58 and 60 is supported by the claims and specification of the instant application as filed and by the disclosure of the '657 Patent, in particular at column 11, lines 60-67; column 12, lines 43-50; column 13, lines 9-12 and lines 39-57. As such, Applicants respectfully request that the Examiner reconsider the rejection under 35 U.S.C. § 112, first paragraph.

Claim Rejections – 35 U.S.C. § 112, second paragraph

In the Office Action, the Examiner rejected claims 1-9, 17-19, 45, 47, 49-51, 53-56, 58 and 60 under 35 U.S.C. § 112, second paragraph for "failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In particular, the Examiner stated that the use of "selected from" constitutes improper Markush group format. To comply with the Examiner's request, Applicants have amended claims 1, 2, 7-10, 16, 17, 19-21, 23-25, 45, 47, 49, and 53 to recite "selected from the group consisting of" rather than "selected from." Applicants respectfully submit that the scope of these claims is unchanged by these amendments.

The Examiner rejected claim 2 for reciting the language "wherein multiple of the R, R₁, R₂, and R₃ are in vertically aligned spaced relationship along a backbone formed by the polyamide." Applicants have amended claims 2 and 10 to delete this language.

The Examiner also rejected claim 2, stating that "it is unclear as to whether or not the first and second amines are the same or different." Applicants have amended claim 2 to indicate that the first and second amines may be the same or different.

The Examiner rejected claims 17 and 53 for reciting the term "general." Applicants have amended claims 17 and 53 to delete the term "general."

The Examiner rejected claim 18 for reciting “tetrakis(hydroxymethyl)phosphine” as definitive of the $(A)_3P$ formula of claim 17. Applicants have amended claim 18 to delete “or tetrakis(hydroxymethyl)phosphine.”

The Examiner rejected claims 45, 47, 49, and 53, stating that “the metes and bounds of the ‘R’ group of the amine are indeterminate in scope.” Applicants have amended claims 45, 47, 49, and 53 to more particularly point out and distinctly claim the subject matter of the invention including the ‘R’ group of the amine.

The Examiner also rejected claims 45, 47, and 49, stating that “the substitution of a portion of the R groups with an amino group is not understood.” Applicants have amended claims 45, 47, and 49 to more particularly point out and distinctly claim the subject matter of the invention including the ‘R’ group of the amine.

The Examiner also rejected claims 45, 47, and 49, stating that “it is unclear as to whether ‘the amine’ of part (ii) is the same as the amine of part (i).” Applicants have amended claims 45, 47, and 49 to indicate that the amine of part (ii) may be the same or different than the amine of part (i).

The Examiner rejected claim 54 for reciting “ether.” Applicants have amended claim 54 to recite “ester.”

The Examiner rejected claim 60 for reciting “tetrakis(hydroxylmethyl)phosphine” as definitive of the formula $(A)_2P(B)$. Applicants have amended claim 60 to address the Examiner’s rejection.

As such, Applicants respectfully request that the Examiner reconsider the rejections under 35 U.S.C. § 112, second paragraph.

Double Patenting

In the Office Action, the Examiner provisionally rejected claims 1-9, 17-19, 45, 47, 49-51, 53-56, 58 and 60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claim of copending Application No. 10/068,054,

(i.e., "the '054 Application"). Because the rejection is provisional, Applicants do not address the rejection at this time. Applicants note that no substantive action has been issued by the U.S.P.T.O. with respect to the '054 Application at this time.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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